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5	Special Counsel to Reorganized Debtor		
6			
7	UNITED STATES BANKRUPTCY COURT		
8	CENTRAL DISTRICT OF CALIFORNIA		
9	LOS ANGELES DIVISION		
10	(Assigned to Judge Smith, located in the Santa Ana Division)		
11	In re	Case No.: 2:01-bk-16577-ES	
12	CALIFORNIA POWER EXCHANGE CORPORATION,	Chapter 11	
13	Reorganized Debtor.	NOTICE OF REORGANIZED DEBTOR'S MOTION FOR ORDER IN	
14 15		AID OF CONSUMMATION OF CHAPTER 11 PLAN APPROVING FINAL CLEARING OF ITS MARKETS,	
16 17		PAYMENT OF CLASS 6 AND 7 CLAIMS, AND WIND DOWN OF OPERATIONS PURSUANT TO ITS CONFIRMED AND EFFECTIVE PLAN AND AN ORDER OF	
18		THE FEDERAL ENERGY REGULATORY COMMISSION	
19		[No hearing requested pursuant to LBR	
20		9013-1(o)]	
21	TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY JUDGE,		
22	THE OFFICE OF THE UNITED STATES TRUSTEE, THE FEDERAL ENERGY		
23	REGULATORY COMMISSION, CALPX/CAISO MARKET PARTICIPANTS THAT ARE		
24	OWED/OWING REFUND AMOUNTS PURSUANT TO THE FERC REFUND		
25	PROCEEDING¹ AND PARTIES ON THIS COURT'S ECF SERVICE LIST AND/OR		
26			
27	<sup>1</sup> The movant is also emailing parties to the FERC Refund Proceeding Docket EL00-95 who are on FERC's email service list for that docket.		
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# **REQUESTING SPECIAL NOTICE:**

PLEASE TAKE NOTICE that the Motion is based upon the Reorganized Debtor's Motion for Order in Aid of Consummation of Chapter 11 Plan Approving Final Clearing of Its Markets, Payment of Class 6 And 7 Claims, and Wind Down of Operations Pursuant to Its Confirmed and Effective Plan and an Order of the Federal Energy Regulatory Commission (the "Motion"), the accompanying memorandum of points and authorities and the supporting declaration of David K. Gottlieb (the "Declaration") filed concurrently (collectively, along with the RFJN defined below, the "Motion Pleadings"), the record in this case, and any other evidence before the Court prior to or at the hearing on the Motion, and all matters of which this Court may properly take judicial notice, including pursuant to the concurrently filed Reorganized Debtor's Request for Judicial Notice in Support of Reorganized Debtor's Motion for Order in Aid of Consummation of Chapter 11 Plan Approving Final Clearing of Its Markets, Payment of Class 6 and 7 Claims, and Wind Down of Operations Pursuant to Its Confirmed and Effective Plan and an Order of the Federal Energy Regulatory Commission ("RFJN").<sup>2</sup> If you wish to obtain a copy of the Motion Pleadings, please contact the office of counsel for the Reorganized Debtor, attn.: Robert M. Saunders by e-mail at rsaunders@pszjlaw.com.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Federal Rule of Bankruptcy Procedure 9013-1(o)(1), any objection to the Motion must be filed and served upon the Reorganized Debtor no later than fourteen (14) days of the mailing of this Notice of Motion. Any such objection must be accompanied by any declarations or memoranda of law that the objecting party wishes to present in support of its position. The failure to properly file and serve a response to this Motion in accordance with the foregoing schedule may be deemed consent to the relief requested in the Motion or a waiver of any right to oppose the Motion.

The Motion constitutes a near final step toward the conclusion of this postconfirmation Case. More than nineteen years ago, on November 1, 2002, this Court entered its Confirmation Order confirming the Plan, which provides for certain distribution procedures that are expressly subject to

<sup>&</sup>lt;sup>2</sup> Capitalized terms that are not expressly defined herein have the meanings ascribed to such terms in the Motion Pleadings or the Plan.

replacement by alternative terms that may be approved by FERC. Approximately eighteen years			
after the April 1, 2003 Effective Date of the Plan, FERC, on May 20, 2021, issued its FERC Overlay			
Order, which approved the calculation of "refunds for transactions that took place in the California			
organized markets during the Refund Period (October 2, 2000 – June 20, 2001)" and approved steps			
for market clearing and the winddown of CalPX. The FERC Overlay Order thereby facilitates			
distributions to Plan Classes 6 and 7, which distributions were dependent on a FERC order under the			
express terms of the Plan. The distribution procedures approved by FERC in the FERC Overlay			
Order differ from much of the distribution terms set forth in Plan Exhibit 3 Allowance and			
Distribution Procedures; nevertheless, they become the distribution procedures under the Plan by			
such express Plan terms (as identified in the Motion). The Motion asks this Court to approve the			
same distribution, market clearance, and wind down Procedures approved by FERC in the FERC			
Overlay Order, thereby permitting distributions to Plan Classes 6 and 7.			

PLEASE TAKE FURTHER NOTICE that if a response is not timely filed and served upon undersigned counsel, the Court may grant the relief requested in the Motion without further notice or hearing.

DATED: July 1, 2021 PACHULSKI STANG ZIEHL & JONES LLP

> By: /s/ Robert M. Saunders Robert M. Saunders Special Counsel to Reorganized Debtor

# PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (specify): NOTICE OF REORGANIZED DEBTOR'S MOTION FOR ORDER IN AID OF CONSUMMATION OF CHAPTER 11 PLAN APPROVING FINAL CLEARING OF ITS MARKETS,

EFFECTIVE PLAN AND	AN ORDER OF THE FEDERA	DOWN OF OPERATIONS PURSUANT TO ITS CONFIRMED AND IL ENERGY REGULATORY COMMISSION will be served or was onner required by LBR 5005-2(d); and (b) in the manner stated
Orders and LBR, the fore 1, 2021, I checked the CI	going document will be served M/ECF docket for this bankrupto	by the court via NEF and hyperlink to the document. On (date) July cy case or adversary proceeding and determined that the following NEF transmission at the email addresses stated below:
		⊠ Service information continued on attached page
adversary proceeding by postage prepaid, and add	served the following persons a placing a true and correct copy	nd/or entities at the last known addresses in this bankruptcy case or thereof in a sealed envelope in the United States mail, first class, udge here constitutes a declaration that mailing to the judge will be iled.
		⊠ Service information continued on attached page
each person or entity ser following persons and/or service method), by facsi	ved): Pursuant to F.R.Civ.P. 5 entities by personal delivery, ov mile transmission and/or email	MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for and/or controlling LBR, on (date) July 1, 2021, I served the vernight mail service, or (for those who consented in writing to such as follows. Listing the judge here constitutes a declaration that be completed no later than 24 hours after the document is filed.
VIA OVERNIGHT MAIL: The Honorable Erithe A. S U.S. Bankruptcy Court Ronald Reagan Federal B 411 W. Fourth Street, Suit Santa Ana, CA 92701-459	uilding e 5041	☐ Service information continued on attached page
declare under penalty of	perjury under the laws of the U	nited States that the foregoing is true and correct.
July 1, 2021	Myra Kulick	/s/ Myra Kulick
Date	Printed Name	Signature

## SERVICE INFORMATION FOR CASE NO. 2:01-bk-16577-ES

# 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)

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# III. <u>SERVED VIA REGULAR U.S. MAIL:</u>

(see attached service list)

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# Case 2:01-bk-16577-ES

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